

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	19 Cr. 366 (LGS)
	:	
-against-	:	<u>ORDER AMENDING</u>
	:	<u>PRESENTENCE</u>
STEPHEN M. CALK,	:	<u>INVESTIGATION</u>
	:	<u>REPORT</u>
Defendant,	:	
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LORNA G. SCHOFIELD, District Judge:

As discussed at the sentencing of Defendant Stephen M. Calk on February 7, 2022, it is hereby **ORDERED** that the Presentence Investigation Report last revised on September 30, 2021, is amended as follows:

- 1) Paragraph 59 shall be amended to read: “According to testimony from Jack Gongaware, a commercial credit specialist with the OCC, CALK reported that “he didn’t think they were and he didn’t have any information that they were” when questioned whether CALK knew Manafort’s properties were in foreclosure. Furthermore, Gongaware noted that follow-up inquiries would have been conducted had CALK been more forthcoming with his answers. According to testimony from Blake Paulsen, an employee at the OCC, he reported that Calk “strongly denied wanting a position in the government.” According to testimony from Benjamin Lemanski, an associate deputy comptroller at OCC, CALK “denied to us that he wanted a government position””
- 2) Paragraph 60 shall be amended to add the following sentence. “Once the foreclosure process is complete, the Bank is expected to recoup all of its principal and interest on the Manafort loans. Specifically, based on the expected recovery when the Union

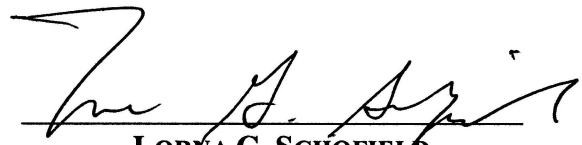
Street property is sold, the recovered collateral (\$19.22M) plus the upfront points paid on the loans (\$415K) totals \$19.63M. This is greater than the amount of the unpaid principal (\$15.39M) plus the accrued interest and interest that would have accrued (\$4.02M), all calculated at 7.5%, which totals \$19.41M.”

- 3) Paragraphs 62, 63, 64, and 65 shall be struck and Paragraph 62 shall be amended to read: “The parties dispute the value of the Bank’s extending the loans and the value of the bribe. The Court finds that the evidence does not established the amount with sufficient specificity to determine any increase under USSG § 2B4.1(b)(1) and § 2B1.1.”
- 4) Paragraph 66 shall be amended to read: “CALK also abused a position of public and private trust in a manner that significantly facilitated the commission of the instant offense, specifically, CALK was the chairman and CEO of the Bank and the Holding Company and used CALK’s position to approve loans for Manafort that likely otherwise would not have been approved.”
- 5) The heading before paragraph 68 and paragraph 68 shall be struck.
- 6) Paragraph 73 shall be struck and amended to read “**Specific Offense Characteristics:** None.” As a result, no points will be added.
- 7) Paragraph 75 shall be amended to read: “**Adjustment for Role in the Offense:** The defendant abused a position of public or private trust, or used a special skill, in a manner that significantly facilitated the commission or concealment of the offense; specifically, Calk was the chairman and CEO of the Bank and the Holding Company and used his position to approve loans for Manafort that likely otherwise would not have been approved. As such, the offense level is increased by two levels. USSG

§3B1.3.

- 8) Paragraph 76 shall be struck and amended to read “**Adjustment for Obstruction of Justice:** None.” As a result, no points will be added.
- 9) Paragraph 77 shall be amended to reflect an Adjusted Offense Level (Subtotal) of **10**.
- 10) Paragraph 80 shall be amended to reflect a Total Offense Level of **10**.
- 11) A copy of this Order shall be appended to all copies of the Presentence Investigation Report and made a part thereof.

Dated: February 7, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE